

EMERGENCY ORDINANCE NO. 21-02-02

**CITY COUNCIL OF THE CITY OF DECATUR, TEXAS
DECLARATION OF LOCAL DISASTER FOR
WINTER WEATHER EMERGENCY**

WHEREAS, the City Council of the City of Decatur ("City") on the 22nd day of February 2021, has reviewed the "Mayor's Declaration of Local Disaster for Winter Weather Emergency", a copy of which is attached hereto as **Exhibit "A" (the Mayor's Declaration)**", and the "Proclamation by the Governor of the State of Texas" dated February 12, 2021 and declaring a state of disaster in all 254 Texas counties based upon the threat of severe weather; a copy of which is attached hereto as **Exhibit "B"**; and

WHEREAS, the City Council has determined that the severe weather that occurred in the State of Texas during the week of February 15, 2021 (the "February Severe Weather Event") has caused a significant negative impact on the residents of the City of Decatur and continues to pose a threat of widespread and severe property damage, injury and loss of life due to prolonged freezing temperatures, heavy snow and freezing weather conditions; and

WHEREAS, during the February Severe Weather Event, Texas has experienced record cold conditions with temperatures remaining below freezing, and this has caused service interruptions which have left residents without vital utilities such as electricity and water, and power outages have continued to pose a threat during the winter storm; and

WHEREAS, the City has incurred continued loss of power integral to the health, safety and welfare of its citizens, including the loss of communications, cell service, and internet, and property damage in and among City residents as a result of freezing pipes due to the freezing of water service and supply lines from the continual unprecedented cold temperatures; and

WHEREAS, Section 418.108 of the Texas Government Code provides that the Mayor of the City may declare a local state of disaster to reduce the vulnerability of people and communities in the City resulting from natural disasters, including a winter weather emergency; and

WHEREAS, Section 3.07 of the Home Rule Charter of the City provides that a state of emergency may be declared by vote of the City Council, or by order of the Mayor, or in his absence or disability, the Mayor Pro Tem; and

WHEREAS, pursuant to Section 3.07, during a state of emergency, the Mayor, or, in his absence or disability, the Mayor Pro Tem, shall have all the powers which would be vested in the Council by state law to the extent he considers, reasonable or necessary, for the protection of persons or property; and

WHEREAS, the Mayor found it necessary to declare a local state of disaster due to the impact of severe weather on vital City infrastructure, resulting in continued loss of electrical service to homes and businesses within the City and loss of water service within the City, **Exhibit "A"** hereto; and

WHEREAS, pursuant to Section 2-297 of Article VII of Chapter 2 of the Code of Ordinances, upon declaration of a crisis, the Mayor is vested with the full power and authority to provide by Proclamation all regulations necessary to protect the health, security, safety, peace, life and property of the City and its inhabitants during the time of such crisis; and

WHEREAS, the City Council has reviewed the Mayor's Declaration and other Exhibits attached hereto, and given the impact of the February Severe Weather Event on the citizens of Decatur and public infrastructure, the City Council has determined that extraordinary measures must be taken to prepare and alleviate any suffering of people and to protect or facilitate the rehabilitation of property damaged by the effects of the February Severe Weather Event.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS:

Section 1. Incorporation of Premises. The premises set forth above are the stated findings of the City Council of the City of Decatur, serve as the basis for and are incorporated into this Ordinance as if written word for word.

Section 2. Local Public Disaster Declared. That in accordance with Section 418.108 of the Texas Government Code, a local state of disaster due to the February Severe Weather Event is hereby proclaimed for the City of Decatur pursuant to Article VII, "Emergency Management" of Chapter 2, "Administration" of the Code of Ordinances of the City of Decatur. The Mayor's Declaration, Exhibit "A" hereto is hereby adopted and continued and shall remain in full force and effect until March, 31 2021 unless continued or renewed by the City Council of the City of Decatur.

Section 3. Suspension/Modification of City Regulations and Fees. That the following City Ordinance provisions and regulations shall be suspended for all snow/ice damage that occurred as a result of the February Severe Weather Event:

1. The City will waive designated permit and inspection fees, as listed herein below, for work performed by contractors to repair damages suffered by residents and business owners as a result of the February Severe Weather Event; provided that all contractors performing work are registered with the City and provide required documentation to the City such that the City may verify that the work has been performed in accordance with state code standards as well as other applicable City Ordinance standards.
 - a. Commercial Building Permit and Inspection Fees: Building Permit, Inspections Plan Review, Mechanical Permit, Electrical Permit, Plumbing Permit, and Irrigation Permit Fees;
 - b. Apartment and Multi-family Permit and Inspection Fees: Building Permit, Inspections Plan Review, Mechanical Permit, Electrical Permit, Plumbing Permit, and Irrigation Permit Fees; and
 - c. Residential Building Permit and Inspection Fees: Repair and Alteration Permit, Minimum Fee for Residential Permit, Inspections Plan Review, Residential Mechanical Permit, Residential Electrical Permit, Residential Plumbing Permit, and Residential Irrigation Permit Fees.

Section 4. Publication and Filing of Ordinance. Pursuant to Section 2-298 of Article VII of the Code of Ordinances, this Ordinance declaring a local state of disaster shall be given in the official newspaper of the City, by local radio, or by circulating notice or posting signs at conspicuous places. A copy of this Ordinance shall also be posted on the City of Decatur website.

Section 5. Severability. If any subsection, sentence, clause, phrase, or word of this Ordinance or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Ordinance. This Ordinance approves and ratifies all actions taken in response to the February Severe Weather Event prior to its issuance.

Section 6. Continuation, Publication and Effective Date. Pursuant to Section 3.07(b) of the City Charter, the emergency powers herein provided shall be exercised only to the extent made necessary by the nature of the emergency and during the continuation of the state of emergency. This Ordinance shall be published in accordance with Section 3.12 of the Charter however, it shall become effective immediately upon passage at 1:50 p.m. on 22nd day of February, 2021.

DULY PASSED AND APPROVED BY 7 MEMBERS OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS THIS 22ND DAY OF FEBRUARY, 2021.

APPROVED:



Mike McQuiston, Mayor


ATTEST:



Diane Cockrell, TRMC, City Secretary



APPROVED AS TO FORM:



Patricia A. Adams, City Attorney

EXHIBIT "A"
**MAYOR'S DECLARATION OF LOCAL DISASTER FOR WINTER WEATHER
EMERGENCY AND ORDER OF PREPAREDNESS**

**CITY OF DECATUR, TEXAS
MAYORAL DECLARATION OF LOCAL DISASTER
FOR WINTER WEATHER EMERGENCY**

WHEREAS, the Mayor of the City of Decatur (“City”) on the 19TH day of February 2021, has determined that severe winter weather that has occurred in the State of Texas during the week of February 15, 2021 (the “February Severe Weather Event”) has caused a significant negative impact on the residents of the City of Decatur and continues to pose a threat of widespread and severe property damage, injury and loss of life due to prolonged freezing temperatures, heavy snow and freezing weather conditions; and

WHEREAS, during the February Severe Weather Event, Texas has experienced record cold conditions with temperatures remaining below freezing, and this has caused service interruptions which have left residents without vital utilities such as electricity and water, and power outages have continued to pose a threat during the winter storm; and

WHEREAS, the City has incurred continued loss of power integral to the health, safety and welfare of its citizens, including the loss of communications, cell service, and internet, and property damage in and among City residents as a result of freezing pipes due to the freezing of water service and supply lines from the continual unprecedented cold temperatures; and

WHEREAS, Section 418.108 of the Texas Government Code provides that the Mayor of the City may declare a local state of disaster to reduce the vulnerability of people and communities in the City resulting from natural disasters, including a winter weather emergency; and

WHEREAS, Section 3.07 of the Home Rule Charter of the City provides that a state of emergency may be declared by vote of the City Council, or by order of the Mayor, or in his absence or disability, the Mayor Pro Tem; and

WHEREAS, pursuant to Section 3.07, during a state of emergency, the Mayor, or, in his absence or disability, the Mayor Pro Tem, shall have all the powers which would be vested in the Council by state law to the extent he considers, reasonable or necessary for the protection of persons or property; and

WHEREAS, pursuant to Section 2-297 of Article VII of Chapter 2 of the Code of Ordinances, upon declaration of a crisis, the Mayor is vested with the full power and authority to provide by Proclamation all regulations necessary to protect the health, security, safety, peace, life and property of the City and its inhabitants during the time of such crisis; and

WHEREAS, Section 3.07 of the Charter further provides the Mayor, or person authorized by the Charter, to carry out the duties of Mayor, or the Council by a majority vote, shall be authorized to declare the emergency terminated; and

WHEREAS, the Mayor has found it necessary to declare a local state of disaster due to the impact of February Severe Weather Event on the residents of Decatur and on vital City infrastructure, resulting in continued loss of electrical service to homes and businesses within the City and loss of water service within the City; and

WHEREAS, the Mayor of the City of Decatur has determined that extraordinary measures must be taken to prepare and alleviate any suffering of people and to protect or facilitate the rehabilitation of property damaged by the effects of the severe weather emergency.

NOW, THEREFORE, BE IT DECLARED BY THE MAYOR OF THE CITY OF DECATUR, TEXAS:

Section 1. Incorporation of Premises. That the premises set forth above are the stated findings of the Mayor, serve as the basis for and are incorporated into this Proclamation as if written word for word.

Section 2. Local Public Disaster Declared. That in accordance with Section 418.108 of the Texas Government Code, a local state of disaster due to the February Severe Weather Event is hereby proclaimed for the City of Decatur. The local state of disaster hereby proclaimed shall continue for a period of seven (7) days from the date of this declaration unless continued or renewed by the City Council of the City of Decatur, Texas or terminated by the Mayor.

Section 3. Suspension/Modification of City Regulations and Fees. That the following City Ordinance provisions and regulations shall be suspended for all snow/ice damage that occurred as a result of the February Severe Weather Event:

- (A) The City will waive designated permit and inspection fees for work performed by contractors to repair damages suffered by residents and business owners as a result of the February Severe Weather Event; provided that all contractors performing work are registered with the City and provide required documentation to the City such that the City may verify that the work has been performed in accordance with applicable state code standards and regulations as well as all other applicable City Ordinance standards.

Section 4. Emergency Management. Pursuant to section 418.108(d) of the Texas Government Code, this declaration of a local state disaster activates the City of Decatur Emergency Plan under Article VII, "Emergency Management" of Chapter 2, "Administration" of the Code of Ordinances of the City of Decatur.

Section 5. Publication and Filing of Declaration. Pursuant to Section 418.108(c) of the Texas Government Code, this declaration of a local state of disaster due to the February Severe Weather Event shall be given prompt and general publicity and shall be filed promptly with the City Secretary. A copy of this Declaration shall also be posted on the City of Decatur website.

Section 6. Severability. If any subsection, sentence, clause, phrase, or word of this Declaration or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Declaration. This Declaration approves and ratifies all actions taken in response to the February Severe Weather Event prior to its issuance.

Section 7. Continuation, Publication and Effective Date. The emergency powers herein provided shall be exercised only to the extent made necessary by the nature of the emergency and during the continuation of the state of emergency. This Declaration shall become effective immediately upon passage.

ORDERED THIS THE 19TH DAY OF FEBRUARY, 2021.



Mike McQuiston, Mayor

ATTEST:



Diane Cockrell, TRMC, City Secretary

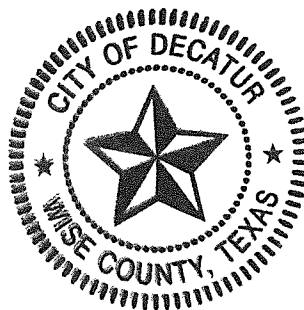


EXHIBIT "B"
PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS
DATED FEBRUARY 12, 2021

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, GREG ABBOTT, Governor of the State of Texas, do hereby certify that severe winter weather poses an imminent threat of widespread and severe property damage, injury, and loss of life due to prolonged freezing temperatures, heavy snow, and freezing rain statewide.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby declare a state of disaster in all 254 counties based on the existence of such threat.

Pursuant to Section 418.017 of the code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 12th day of February, 2021.



GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:50 p.m. 11 O'CLOCK
FEB 12 2021